



ANDREAS BERGEAS
COUNCILMEMBER

COUNCIL AGENDA ITEM – 9:15 AM

DATE: October 15, 2009

TO: Fresno City Council

FROM: Councilmember Andreas Borgeas *AB*
In coordination with the *City Council Water Task Force*

BY: Stephen F. Sotomayor, Chief of Staff *SS*
Omar Parra *OP*

AGENDA ITEM: Request staff to work with the Fresno City Council Water Task Force on the Model Water Efficient Landscape Ordinance (Model Ordinance) enabled by Assembly Bills 325, 2717, and 1881 and prepare a workshop on the Model Ordinance for a later date.

Background:

According the California Urban Water Conservation Council, irrigation demand is the single largest end use of water in the urban sector of California. Irrigation demands typically account for 50% or more of the total water used in many California homes and businesses. By all accounts, urban water conservation is expected to play a preeminent role in balancing California's future water demand and supply.

Recently, the California Legislature passed a series of assembly bills targeted at increasing water conservation in landscapes. The first of the bills, Assembly Bill 325, codified the design and maintenance principles that lead to increased levels of water-use efficiency, and created a Model Landscape Ordinance. Following AB 325, Assembly Bill 1881 was passed to allow for the implementation of the Model Landscape Ordinance statewide. AB 1881 mandates that local agencies adopt the Model Landscape Ordinance, or another water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, by January 1, 2010. Finally, Assembly Bill 1061 was passed to establish that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low-water using plants as a group, or restricts compliance with a local water-efficient landscape ordinance or measure.

In light of this recent legislation, I am requesting staff to work with the Fresno City Council Water Task Force on the Model Water Efficient Landscape Ordinance and prepare a workshop on

the Model Ordinance for a later date. It is imperative that the City of Fresno City Council understand the Model Ordinance prior to its scheduled implementation date of January 1, 2010.

Action Requested:

Request staff to work with the Fresno City Council Water Task Force on the Model Water Efficient Landscape Ordinance (Model Ordinance) enabled by Assembly Bills 325, 2717, and 1881 and prepare a workshop on the Model Ordinance for a later date.

Exhibits:

- A. Synopsis of Assembly Bills
- B. Assembly Bill 1061
- C. Assembly Bill 1881
- D. Assembly Bill 2717

Attachment A

Synopsis: Assembly Bill 1061, 1881, 2717, and 325

Assembly Bill 1061 (Passed 08/27/09)

- Provides that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting,
 - A. the use of low water-using plants as a group,
 - B. or restricting compliance with a local water-efficient landscape ordinance or water conservation measure

Assembly Bill 1881 (Passed 08/30/06)

- Requires the Department of Water Resources to:
 - A. Appoint an advisory task force to draft a model local water efficient landscape ordinance that local agencies may adopt by May 1, 1991
 - B. Adopt model by January 1, 1992
 - C. Update the model ordinance in accordance with specified requirements by January 1, 2009
- Furthermore, the bill requires:
 - A. Local agencies to adopt the updated model ordinance or other water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance by January 1, 2010
 - B. That the updated ordinance be made applicable within the jurisdiction of a local agency, including a chartered city, if by January 1, 2010, the local agency has not adopted its own water efficient landscape ordinance or the updated model ordinance
 - C. Local agencies to, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's updated model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, among other documents
- Requires the State Energy Resources Conservation and Development Commission (Energy Commission) to:
 - A. Adopt regulation performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water
 - Adopt these requirements by January 1, 2010
 - Prohibit the sale or installation of an irrigation controller or moisture sensor for landscape use unless the controller or sensor meets those adopted requirements
- Finally, the bill requires:
 - A. A water purveyor as defined, to require as a condition of new retail water service on or after January 1, 2008, the installation of separate water meters to measure the volume of water used exclusively for landscape purposes

- B. The State to reimburse local agencies and school districts for certain costs mandated by the State

Assembly Bill 2717 (Passed 08/19/04)

- Declares the Legislature's intent to:
 - A. Request, not later than January 1, 2005, the California Urban Water Conservation Council (CUWCC) convene a stakeholders workgroup to develop, evaluate and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state
 - B. Request the CUWCC recommendations by submitted to the Governor and the Legislature by December 31, 2005

Assembly Bill 325

- Codified the design and maintenance principles that lead to increased levels of water-use efficiency
 - A. Created a "Model Landscape Ordinance"

Attachment B

Assembly Bill No. 1061

Passed the Assembly August 27, 2009

Chief Clerk of the Assembly

Passed the Senate August 24, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal and add Section 1353.8 of the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1061, Lieu. Common interest developments: water-efficient landscapes.

Existing law requires a local agency to adopt a specified updated model ordinance regarding water-efficient landscapes or a water-efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance. Existing law allows certain water providers to take specified actions regarding water conservation.

The Davis-Stirling Common Interest Development Act provides for the creation and regulation of common interest developments. The act provides that the architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

This bill would, instead, provide that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group, or if it has the effect of prohibiting or restricting compliance with a local water-efficient landscape ordinance or water conservation measure described above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Landscapes are essential to the quality of life in California, and are an important aesthetic element with economic value in common interest developments.

(b) Landscape design, installation, maintenance, and management can and should be water efficient. The use of

water-efficient landscapes contributes to the state's efforts to increase the reliability of its water supplies.

(c) There are common interest developments with governing documents that hinder or preclude property owners from complying with applicable water conservation requirements.

(d) It is in the public interest to ensure that property owners within a common interest development comply with applicable state and local ordinances and regulations regarding water conservation and drought, while maintaining the inherent powers of a common interest development to establish uniform architectural and landscaping standards.

(e) It is also in the public interest to ensure that property owners within a common interest development may comply with emergency water use regulations adopted by authorized providers of public water supply.

SEC. 2. Section 1353.8 of the Civil Code is repealed.

SEC. 3. Section 1353.8 is added to the Civil Code, to read:

1353.8. (a) Notwithstanding any other law, a provision of any of the governing documents of a common interest development shall be void and unenforceable if it does any of the following:

(1) Prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group.

(2) Has the effect of prohibiting or restricting compliance with either of the following:

(A) A water-efficient landscape ordinance adopted or in effect pursuant to subdivision (c) of Section 65595 of the Government Code.

(B) Any regulation or restriction on the use of water adopted pursuant to Section 353 or 375 of the Water Code.

(b) This section shall not prohibit an association from applying landscaping rules and regulations established in the governing documents, to the extent the rules and regulations fully conform with the requirements of subdivision (a).

Approved _____, 2009

Governor

Attachment C

Assembly Bill No. 1881

Passed the Assembly August 30, 2006

Chief Clerk of the Assembly

Passed the Senate August 28, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1353.8 to the Civil Code, to repeal and add Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code, to add Section 25401.9 to the Public Resources Code, and to add Article 4.5 (commencing with Section 535) to Chapter 8 of Division 1 of the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, Laird. Water conservation.

(1) Existing law, the Davis-Sterling Common Interest Development Act, defines and regulates common interest developments, which include community apartment projects, condominium projects, planned developments, and stock cooperatives.

This bill would provide that the architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

(2) The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first. The act requires the department, not later than January 1, 1992, to adopt a model local water efficient landscape ordinance which each local agency may adopt. The act makes the model local water efficient landscape ordinance adopted by the department applicable within the jurisdiction of a local agency if that local agency, by January 1, 1993, has not adopted a water efficient landscape ordinance or has not adopted certain findings that the adoption of the ordinance is unnecessary.

This bill would specify that the provision making the model ordinance applicable to a local agency on and after January 1,

1993, does not apply to chartered cities. The bill would require the department, to the extent funds are appropriated, not later than January 1, 2009, by regulation, to update the model ordinance in accordance with specified requirements. The bill would require the department to prepare and submit to the Legislature a prescribed report before the adoption of the updated model ordinance. The bill would require a local agency, not later than January 1, 2010, to adopt the updated model ordinance or other water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance. The bill would make the updated model ordinance applicable within the jurisdiction of a local agency, including a chartered city, if, by January 1, 2010, the local agency has not adopted its own water efficient landscape ordinance or the updated model ordinance. The bill would require each local agency, not later than January 31, 2010, to notify the department as to whether the local agency is subject to the department's updated model ordinance and, if not, to submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, among other documents. The bill would require the department, to the extent funds are appropriated, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by local agencies.

By imposing requirements on local agencies in connection with the adoption of water efficient landscape ordinances, the bill would impose a state-mandated local program.

(3) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission), after one or more public hearings, to take specified action to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy. Existing law requires the Energy Commission, by January 1, 2004, to amend specified regulations to require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers, and to take certain other related action.

This bill would require the Energy Commission, in consultation with the department, to adopt, to the extent funds are available, by regulation performance standards and labeling

requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water. The bill would require the Energy Commission to adopt those requirements for landscape irrigation controllers and moisture sensors by January 1, 2010, and, on and after January 1, 2012, would prohibit the sale or installation of an irrigation controller or moisture sensor for landscape use unless the controller or sensor meets those adopted requirements. The bill would require the Energy Commission, on or before January 1, 2010, to prepare and submit to the Legislature a report that sets forth a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves.

(4) Existing law generally requires an urban water supplier to install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

This bill would require a water purveyor as defined, to require as a condition of new retail water service on and after January 1, 2008, the installation of separate water meters to measure the volume of water used exclusively for landscape purposes. The bill would make this requirement applicable to specified service connections.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1353.8 is added to the Civil Code, to read:

1353.8. The architectural guidelines of a common interest development shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group.

SEC. 2. Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code is repealed.

SEC. 3. Article 10.8 (commencing with Section 65591) is added to Chapter 3 of Division 1 of Title 7 of the Government Code, to read:

Article 10.8. Water Conservation in Landscaping

65591. This article shall be known and may be cited as the Water Conservation in Landscaping Act.

65592. Unless the context requires otherwise, the following definitions govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Local agency" means any city, county, or city and county, including a charter city or charter county.

(c) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency, or prepared by the department, to address the efficient use of water in landscaping.

65593. The Legislature finds and declares all of the following:

(a) The waters of the state are of limited supply and are subject to ever increasing demands.

(b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.

(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

(d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.

(e) Landscape design, installation, maintenance, and management can and should be water efficient.

(f) Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the

right does not and shall not extend to waste or unreasonable use or unreasonable method of use.

(g) (1) The Legislature, pursuant to Chapter 682 of the Statutes of 2004, requested the California Urban Water Conservation Council to convene a stakeholders work group to develop recommendations for improving the efficiency of water use in urban irrigated landscapes.

(2) The work group report includes a recommendation to update the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990.

(3) It is the intent of the Legislature that the department promote the use of this updated model ordinance.

(h) Notwithstanding Article 13 (commencing with Section 65700), this article addresses a matter that is of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Accordingly, it is the intent of the Legislature that this article, except as provided in Section 65594, apply to all cities and counties, including charter cities and charter counties.

65594. (a) Except as provided in Section 65595, if by January 1, 1993, a local agency did not adopt a water efficient landscape ordinance and did not adopt findings based on climatic, geological, or topographical conditions, or water availability that state that a water efficient landscape ordinance is unnecessary, the model water efficient landscape ordinance adopted by the department pursuant to Chapter 1145 of the Statutes of 1990 shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(b) Notwithstanding subdivision (b) of Section 65592, subdivision (a) does not apply to chartered cities.

(c) This section shall apply only until the department updates the model ordinance.

65595. (a) (1) To the extent funds are appropriated, not later than January 1, 2009, by regulation, the department shall update the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990, after holding one or more public hearings. The updated model ordinance shall be based on the recommendations set forth in the report prepared

pursuant to Chapter 682 of the Statutes of 2004 and shall meet the requirements of Section 65596.

(2) Before the adoption of the updated model ordinance pursuant to paragraph (1), the department shall prepare and submit to the Legislature a report relating to both of the following:

(A) The extent to which local agencies have complied with the model water efficient landscape ordinance adopted pursuant to Chapter 1145 of the Statutes of 1990.

(B) The department's recommendations regarding the landscape water budget component of the updated model ordinance described in subdivision (b) of Section 65596.

(b) Not later than January 31, 2009, the department shall distribute the updated model ordinance adopted pursuant to subdivision (a) to all local agencies and other interested parties.

(c) On or before January 1, 2010, a local agency shall adopt one of the following:

(1) A water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the updated model ordinance adopted by the department pursuant to subdivision (a).

(2) The updated model ordinance described in paragraph (1).

(d) If the local agency has not adopted, on or before January 1, 2010, a water efficient landscape ordinance pursuant to subdivision (c), the updated model ordinance adopted by the department pursuant to subdivision (a) shall apply within the jurisdiction of the local agency as of that date, shall be enforced by the local agency, and shall have the same force and effect as if adopted by the local agency.

(e) Nothing in this article shall be construed to require the local agency's water efficient landscape ordinance to duplicate, or to conflict with, a water efficiency program or measure implemented by a public water system, as defined in Section 116275 of the Health and Safety Code, within the jurisdictional boundaries of the local agency.

65596. The updated model ordinance adopted pursuant to Section 65595 shall do all the following in order to reduce water use:

(a) Include provisions for water conservation and the appropriate use and groupings of plants that are well-adapted to

particular sites and to particular climatic, soil, or topographic conditions. The model ordinance shall not prohibit or require specific plant species, but it may include conditions for the use of plant species or encourage water conserving plants. However, the model ordinance shall not include conditions that have the effect of prohibiting or requiring specific plant species.

(b) Include a landscape water budget component that establishes the maximum amount of water to be applied through the irrigation system, based on climate, landscape size, irrigation efficiency, and plant needs.

(c) Promote the benefits of consistent local ordinances in neighboring areas.

(d) Encourage the capture and retention of stormwater onsite to improve water use efficiency or water quality.

(e) Include provisions for the use of automatic irrigation systems and irrigation schedules based on climatic conditions, specific terrains and soil types, and other environmental conditions. The model ordinance shall include references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment. The model ordinance may include climate information for irrigation scheduling based on the California Irrigation Management Information System.

(f) Include provisions for onsite soil assessment and soil management plans that include grading and drainage to promote healthy plant growth and to prevent excessive erosion and runoff, and the use of mulches in shrub areas, garden beds, and landscaped areas where appropriate.

(g) Promote the use of recycled water consistent with Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(h) Seek to educate water users on the efficient use of water and the benefits of doing so.

(i) Address regional differences, including fire prevention needs.

(j) Exempt landscaping that is part of a registered historical site.

(k) Encourage the use of economic incentives to promote the efficient use of water.

(l) Include provisions for landscape maintenance practices that foster long-term landscape water conservation. Landscape

maintenance practices may include, but are not limited to, performing routine irrigation system repair and adjustments, conducting water audits, and prescribing the amount of water applied per landscaped acre.

(m) Include provisions to minimize landscape irrigation overspray and runoff.

65597. Not later than January 31, 2010, each local agency shall notify the department as to whether the local agency is subject to the department's updated model ordinance adopted pursuant to Section 65595, and if not, shall submit to the department a copy of the water efficient landscape ordinance adopted by the local agency, and a copy of the local agency's findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the department's updated model ordinance. Not later than January 31, 2011, the department shall, to the extent funds are appropriated, prepare and submit a report to the Legislature summarizing the status of water efficient landscape ordinances adopted by local agencies.

65598. Any model ordinance adopted pursuant to this article shall exempt cemeteries from all provisions of the ordinance except those set forth in subdivisions (h), (k), and (l) of Section 65596. In adopting language specific to cemeteries, the department shall recognize the special landscape management needs of cemeteries.

65599. Any actions or proceedings to attach, review, set aside, void, or annul the act, decision, or findings of a local agency on the ground of noncompliance with this article shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

SEC. 4. Section 25401.9 is added to the Public Resources Code, to read:

25401.9. (a) To the extent that funds are available, the commission, in consultation with the Department of Water Resources, shall adopt by regulation, after holding one or more public hearings, performance standards and labeling requirements for landscape irrigation equipment, including, but not limited to, irrigation controllers, moisture sensors, emission devices, and valves, for the purpose of reducing the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

(b) For the purposes of complying with subdivision (a), the commission shall do all of the following:

(1) Adopt performance standards and labeling requirements for landscape irrigation controllers and moisture sensors on or before January 1, 2010.

(2) Consider the Irrigation Association's Smart Water Application Technology Program testing protocols when adopting performance standards for landscape irrigation equipment, including, but not limited to, irrigation controllers, moisture sensors, emission devices, and valves.

(3) Prepare and submit a report to the Legislature, on or before January 1, 2010, that sets forth on a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves.

(c) On and after January 1, 2012, an irrigation controller or moisture sensor for landscape irrigation uses may not be sold or installed in the state unless the controller or sensor meets the performance standards and labeling requirements established pursuant to this section.

SEC. 5. Article 4.5 (commencing with Section 535) is added to Chapter 8 of Division 1 of the Water Code, to read:

Article 4.5. Irrigated Landscape

535. (a) A water purveyor shall require as a condition of new retail water service on and after January 1, 2008, the installation of separate water meters to measure the volume of water used exclusively for landscape purposes.

(b) Subdivision (a) does not apply to either of the following:

(1) Single-family residential connections.

(2) Connections used to supply water for the commercial production of agricultural crops or livestock.

(c) Subdivision (a) applies only to a service connection for which both of the following apply:

(1) The connection serves property with more than 5,000 square feet of irrigated landscape.

(2) The connection is supplied by a water purveyor that serves 15 or more service connections.

(d) For the purposes of this section, "new retail water service" means the installation of a new water meter where water service

has not been previously provided, and does not include applications for new water service submitted before January 1, 2007.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2006

Governor

Attachment D

Assembly Bill No. 2717

Passed the Assembly August 19, 2004

Chief Clerk of the Assembly

Passed the Senate August 17, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER _____

An act relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2717, Laird. California Urban Water Conservation Council: stakeholders.

Existing law, known as the Water Conservation in Landscaping Act, requires the Department of Water Resources to adopt a model local water efficient landscape ordinance that each local agency may adopt and requires a local agency to adopt a water efficient landscape ordinance by January 1, 1993, unless the local agency adopts specified findings that an ordinance is unnecessary.

This bill would declare the Legislature's intent that the California Urban Water Conservation Council convene a stakeholder workgroup composed of public and private agencies, and associations to evaluate and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state.

The bill would also declare the Legislature's intent that the stakeholder workgroup report its recommendations to the Governor and the Legislature by December 31, 2005, and would provide that financial contributions by the nonstate agency stakeholders to pay the expenses of the stakeholder workgroup be on a voluntary basis without any contribution from the state agency stakeholders.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature that all of the following occur:

(a) Not later than January 1, 2005, the California Urban Water Conservation Council (CUWCC) is hereby requested to convene a stakeholders workgroup to develop, evaluate and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state. The CUWCC may designate a chair for the stakeholder workgroup.

(b) Representatives of the Department of Water Resources, State Water Resources Control Board, California Bay-Delta

Authority, United States Bureau of Reclamation, California Landscape Contractors Association, manufacturers or designers of irrigation equipment, Green Industry Council, building and construction industry, urban water suppliers, recognized environmental advocacy groups, the League of California Cities, the California State Association of Counties, and the University of California may be invited to participate in the stakeholder workgroup.

(c) The stakeholder workgroup may examine and report to the Governor and the Legislature by December 31, 2005, on all of the following matters:

(1) Review and make recommendations for improving the Model Local Water Efficient Landscape Ordinance.

(2) Review and make comments on the following additional matters:

(A) Potential labeling requirements and performance standards for landscape irrigation equipment sold or installed in California.

(B) Potential use and application of water budgets for irrigated landscaped areas.

(C) Potential standardized training and certification requirements for personnel engaged in the business of design, installation, operation, or maintenance of irrigated landscapes, including water budgets.

(D) Potential use of incentives and disincentives to encourage the adoption and implementation of landscaping efficiency measures.

(E) Other measures for improving the water efficiency of existing irrigated landscapes.

(F) Areas for further research and development regarding water efficient plant varieties, water efficient irrigation equipment, and remote monitoring of landscape water consumption, together with plans for organizing, funding, and conducting the research.

(d) All expenses for the stakeholder workgroup shall be the responsibility of the nonstate agency stakeholders. Financial contributions by the nonstate agency stakeholders to pay the expenses of the stakeholder workgroup shall be made on a voluntary basis, and no state agency stakeholder shall be required to pay any of the expenses.

Approved _____, 2004

Governor

